

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JOSEPH ALVIN ROYSTER,

Petitioner,

vs.

CHARLOTTE JENKINS, Warden,
Chillicothe Correctional Facility

Respondent.

:

:

Case No. 3:16cv059

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JUDGE WALTER H. RICE

:

DECISION AND ENTRY ADOPTING INITIAL REPORT AND
RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE ON
PETITIONER'S MOTION FOR RELIEF FROM JUDGMENT (DOC.#42) AND
SUPPLEMENTAL REPORT AND RECOMMENDATIONS ON MOTION FOR
RELIEF FROM JUDGMENT (DOC. #49); PETITIONER'S OBJECTIONS TO
SAID JUDICIAL FILINGS (DOC. #47 AND #53), OVERRULED; OBJECTION
(DOC. #54) TO DECISION OF UNITED STATES MAGISTRATE JUDGE
(DOC. #51) DENYING PETITIONER'S MOTION FOR EXTENSION OF
TIME (DOC. #50) OVERRULED; TERMINATION ENTRY

Pursuant to the reasoning and citations of authority set forth by the United States Magistrate Judge in his initial and supplemental Reports and Recommendations on Petitioner's Motion for Relief from Judgment (Doc. #42 and #49), as well as upon a thorough review of the applicable law and a review of the file, this Court adopts said Report and Recommendations in their entirety and overrules the Petitioner's Objections thereto (Doc. #47 and #53). In short, the Court overrules the Petitioner's Motion for Relief from Judgment and, for reasons stated in the Magistrate Judge's Reports and Recommendations, concludes that any appeal from this decision would be objectively frivolous and that, accordingly, Petitioner should not be permitted to appeal

in forma pauperis. Moreover, this Court concludes that Petitioner has not made a substantial showing of the denial of a constitutional right and, accordingly, Petitioner is denied a Certificate of Appealability.

Finally, this Court overrules the Objection of Petitioner (Doc. #54) to the Magistrate Judge's Order (Doc. #51) denying Petitioner's Motion for an Extension of Time (Doc. #50).

The captioned cause is ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.



April 6, 2018

WALTER H. RICE
UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of record